



Order Filed on March 19, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR
9004-1(b)

FEIN, SUCH, KAHN & SHEPARD, P.C.
Counsellors at Law
7 Century Drive - Suite 201
Parsippany, New Jersey 07054
(973) 538-9300
Attorneys for Secured Creditor
SELECT PORTFOLIO SERVICING, INC.,
as servicer for DEUTSCHE BANK
NATIONAL TRUST COMPANY, AS
TRUSTEE FOR THE HOLDERS OF MORGAN
STANLEY ABS CAPITAL I INC., TRUST
2007-HE5, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE5
R.A. LEBRON, ESQ.
684SJA
bankruptcy@feinsuch.com

In Re:

RAFAEL D. MARTINEZ aka RAFAEL
DELGADO

Debtor(s).

Case No.: 18-27867 CMG

Chapter: 7

Hearing Date: March 19, 2019

Judge: Hon. Christine M. Gravelle

Recommended Local Form ☐ Followed ☒ Modified

**ORDER VACATING THE AUTOMATIC STAY AS TO REAL PROPERTY AND
GRANTING PROSPECTIVE RELIEF UNDER 11 U.S.C. 362 (d) (4)**

The relief set forth on the following page is hereby **ORDERED**

DATED: March 19, 2019

A handwritten signature in black ink, appearing to read "Christine M. Gravelle", is written over a horizontal line.

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Upon the motion of FEIN, SUCH, KAHN & SHEPARD, P.C., attorneys for the Secured Creditor, SELECT PORTFOLIO SERVICING, INC., as servicer for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC., TRUST 2007-HE5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE5, under Bankruptcy Code section 362(d) for relief from the automatic stay providing for prospective/in-rem relief as to certain real property as hereinafter set forth, and for cause shown,

It is ORDERED that the automatic stay, if any, is vacated to permit the movant to institute or resume and prosecute to conclusion one or more action(s) in the court(s) of appropriate jurisdiction to pursue the movant's rights in the following:

☒ Real property more fully described as:

3199 FEDERAL STREET, CAMDEN, NJ 08105.

It is further ORDERED that Automatic Stay shall not apply to any future filings by the Debtor, RAFAEL D. MARTINEZ aka RAFAEL DELGADO, his successors, and/or assigns, as against movant, its successors, or assigns, to act as a bar on state court proceedings.

It is further ORDERED that the movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject mortgage and pursue its state court remedies including, but not limited to, taking the property to sheriff's sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the property at sheriff's sale (or purchaser's assignee) may take any legal action for enforcement of its right to possession of the property.

It is further ORDERED that Fed. R. Bankr. P. 4001(a)(3) is waived.

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The Movant shall serve this Order on the Debtor(s), any trustee and any other party who entered an appearance on the motion.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Rafael D. Martinez
Debtor

Case No. 18-27867-CMG
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Mar 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 21, 2019.

db +Rafael D. Martinez, 1109 Marne Highway, Hainesport, NJ 08036-2669

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 21, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 19, 2019 at the address(es) listed below:

Barry Frost trustee@teichgroh.com, NJ94@ecfcbis.com
Denise E. Carlon on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Joshua H. Raymond on behalf of Plaintiff Barry R. Sharer jraymond@msbnj.com
Kevin Gordon McDonald on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
kmcDonald@kmlawgroup.com, bkgroup@kmlawgroup.com
R. A. Lebron on behalf of Creditor SELECT PORTFOLIO SERVICING, INC., as servicer for DEUTSCHE
BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR THE REGISTERED HOLDERS OF MORGAN STANLEY
ABS CAPITAL I INC. TRUST 2007-HE5, MORTGAGE PA bankruptcy@feinsuch.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
Warren S. Jones, Jr. on behalf of Creditor THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW
YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-5
email@warrensjones.com, r46134@notify.bestcase.com;robert@warrensjones.com

TOTAL: 7